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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,718	09/30/2004	Gary D. Stringer	50131.0002	5717

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7590

01/02/2008

EXAMINER

SAUNDERS JR, JOSEPH

ART UNIT

PAPER NUMBER

2615

MAIL DATE

DELIVERY MODE

01/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/711,718

Applicant(s)

STRINGER ET AL.

Examiner

Joseph Saunders

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9-30-04, 2-25-05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the initial office action based on the communications file September 30, 2004. Claims 1 – 30 are currently pending and considered below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 7, 8, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 7 depends on itself and therefore is indefinite. The examiner believes claim 7 should depend on claim 6 and therefore will be examined accordingly. Claim 8 is indefinite for depending on claim 7 for the aforementioned reason. Claim 20 recites the limitation "said second memory" however claim 12 from which it depends does not disclose a second memory and therefore the examiner believes that claim 20 should depend from claim 19 to provide proper antecedent basis and will be examined accordingly.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 9 – 23, 25, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park (KR 2001100690 A, citations from translation), hereinafter Park, in view of MegaVoice (www.megavoice.com retrieved from <http://www.archive.org/index.php> as it appeared during June and July 2004), hereinafter MegaVoice.

Claim 1: Park discloses a portable audio player with audio content that a target user of the player is substantially incapable of altering (when stored in ROM), comprising: a memory for holding audio content ("first storage device (26) having contents of the digital bible expressed as a letter information and/or a sound information," Constitution, and also memory 25 and 27) an output interface for providing an audio signal that is representative of audio content held in said memory (speaker 9, earphone jack 10, Figures 2 and 3); an input interface for providing a user with the ability to cause audio content held by said memory to be accessed and converted into an audio signal that is provided to said output interface (input keys, Figure 3); a controller for receiving input from said input interface relating to the accessing of audio content held by said memory, causing audio content to be read from said memory, causing audio content read from said memory to be converted into an audio signal, and causing an audio signal to be provided to said output interface (CPU 24, Figure 4); and a housing for supporting said memory, output interface, input interface, and controller and protecting said memory

and said controller from exterior elements (portable electronic bible terminal 1, Figures 1 – 3); wherein said memory comprises at least one of a direct-access storage device and a random-access storage device ("ROM", "flash memory", and "memory card", Paragraph 54).

Park discloses the device having an input interface including an input port (download socket 15 with download jack 16, memory card 13 with memory card removable part 14, and also personal computer 36 connection shown by dotted lines in Figure 4) but does not disclose wherein a target user is not readily able to use the input port to download audio content into said memory. MegaVoice discloses a similar line of "reliable, hand-held, solid-state audio players which Christian ministries and organizations can use to get their message to people in a secure and reliable manner," Christian Applications. MegaVoice goes on to teach that "Secure means the end user can't record over or replace your original message," Why should our ministry use MegaVoice technology rather than MP3 players?. Therefore, while the portable audio player of Park is capable of having different content loaded, it would have been obvious to one of ordinary skill in the art at the time of the invention, given the Christian applications of both Park's and MegaVoice's device, to modify the device of Park as disclosed by MegaVoice so that the device of Park acted as a secure device thereby preventing a target user from altering the audio content and only allowing an authorized user to change the biblical message and prevent other unintended content from being loaded onto the device.

Claim 2: Park and MegaVoice disclose the portable audio player, as claimed in claim 1, wherein: said input interface comprises a port that is capable of engaging a port engagement device for the purpose of downloading audio content to said memory but from which audio content cannot be provided to said memory (field programmer, MegaVoice, Can I change a message I have previously loaded unto a MegaVoice player?).

Claim 9: Park and MegaVoice disclose the portable audio player, as claimed in claim 1, and MegaVoice further discloses wherein: said housing has dimensions that are each less than the dimensions of an ordinary book (64mm x 112mm x 17mm). Therefore, while Park does not disclose specifics as to size, it would have been obvious to one of ordinary skill in the art at the time of the invention to design the device of Park and MegaVoice as small as possible so thereby making it portable and "small enough to fit in your hand," MegaVoice, Ambassador.

Claim 10: Claim 10 is substantially similar in scope to claim 9 above and therefore is rejected on the same grounds.

Claim 11: Park and MegaVoice disclose the portable audio player, as claimed in claim 1, wherein: said memory comprises at least one of a disk drive, flash memory, and memory expansion card ("ROM", "flash memory", and "memory card", Park, Paragraph 54).

Claim 12: Park discloses a portable audio player with audio content that a target user of the player is substantially incapable of altering (when stored in ROM), comprising: a non-sequential-access memory for holding audio content ("first storage device (26) having contents of the digital bible expressed as a letter information and/or a sound information," Constitution, and also memory 25 and 27. "ROM", "flash memory", and "memory card", Paragraph 54); an output interface for providing an audio signal that is representative of audio content held in said memory (speaker 9, earphone jack 10, Figures 2 and 3); an input interface for providing a user with the ability to cause audio content held by said memory to be accessed and converted into an audio signal that is provided to said output interface (input keys, Figure 3); a controller for receiving input from said input interface relating to the accessing of audio content held by said non-sequential-access memory, causing audio content to be read from said non-sequential-access memory, causing audio content read from said non-sequential-access memory to be converted into an audio signal, and causing an audio signal to be provided to said output interface (CPU 24, Figure 4); and a housing for supporting said non-sequential-access memory, output interface, input interface, and controller and protecting said non-sequential-access memory and said controller from exterior elements (portable electronic bible terminal 1, Figures 1 – 3).

Park discloses the device having an input interface including an input port (download socket 15 with download jack 16, memory card 13 with memory card removable part 14, and also personal computer 36 connection shown by dotted lines in

Figure 4) but does not disclose wherein a target user is not readily able to use the input port to download audio content into said memory and also does not disclose wherein said housing encloses less than about 50 cubic inches. MegaVoice discloses a similar line of "reliable, hand-held, solid-state audio players which Christian ministries and organizations can use to get their message to people in a secure and reliable manner," Christian Applications. MegaVoice goes on to teach that "Secure means the end user can't record over or replace your original message," Why should our ministry use MegaVoice technology rather than MP3 players?. Therefore, while the portable audio player of Park is capable of having different content loaded, it would have been obvious to one of ordinary skill in the art at the time of the invention, given the Christian applications of both Park's and MegaVoice's device, to modify the device of Park as disclosed by MegaVoice so that the device of Park acted as a secure device thereby preventing a target user from altering the audio content and only allowing an authorized user to change the biblical message and prevent other unintended content from being loaded onto the device. MegaVoice also discloses that the portable audio device is designed to have a size of (64mm x 112mm x 17mm). Therefore, while Park does not disclose specifics as to size, it would have been obvious to one of ordinary skill in the art at the time of the invention to design the device of Park and MegaVoice as small as possible so thereby making it portable and "small enough to fit in your hand," MegaVoice, Ambassador.

Claims 13 – 15: The size of 64mm x 112mm x 17mm is presented in the rejection of

claim 12 above and therefore claims 13 – 15 are rejected on the same grounds.

Claim 16: Park and MegaVoice disclose the portable audio player, as claimed in claim 12, wherein: said non-sequential-access memory comprises a disk drive ("ROM", "flash memory", and "memory card", Park, Paragraph 54).

Claim 17: Park and MegaVoice disclose the portable audio player, as claimed in claim 12, wherein: said non-sequential-access memory comprises a flash memory ("ROM", "flash memory", and "memory card", Park, Paragraph 54).

Claim 18: Park and MegaVoice disclose the portable audio player, as claimed in claim 12, wherein: said non-sequential-access memory comprises a memory expansion card ("ROM", "flash memory", and "memory card", Park, Paragraph 54).

Claim 19: Park and MegaVoice disclose the portable audio player, as claimed in claim 12, wherein: said non-sequential-access memory comprises at least one of a first memory and a second memory that is separate from said first memory ("first storage device (26) having contents of the digital bible expressed as a letter information and/or a sound information," Constitution, and also memory 25 and 27, Park, Figures 2 and 4).

Claim 20: Park and MegaVoice disclose the portable audio player, as claimed in claim 12, wherein: said second memory is capable of being readily removed from said

housing by a user (Park, Figure 2).

Claim 21: Park discloses a portable audio player with audio content that a target user of the player is substantially incapable of altering (when stored in ROM), comprising: a non-sequential-access memory for holding audio content ("first storage device (26) having contents of the digital bible expressed as a letter information and/or a sound information," Constitution, and also memory 25 and 27. "ROM", "flash memory", and "memory card", Paragraph 54); an output interface comprising an audio port for providing an audio signal that is representative of audio content held in said memory (speaker 9, earphone jack 10, Figures 2 and 3); an input interface for providing a user with the ability to cause audio content held by said non-sequential-access memory to be accessed and converted into an audio signal that is provided to said output interface (input keys, Figure 3); a controller for receiving input from said input interface relating to the accessing of audio content held by said non-sequential-access memory, causing audio content to be read from said non-sequential-access memory, causing audio content read from said non-sequential-access memory to be converted into an audio signal, and causing an audio signal to be provided to said output interface (CPU 24, Figure 4); a housing for supporting said non-sequential-access memory, output interface, input interface, and controller and protecting said non-sequential-access memory and said controller from exterior elements (portable electronic bible terminal 1, Figures 1 – 3), and Biblical related content held in said non-sequential-access memory; wherein said Biblical related content comprises Biblical related audio content; wherein

said Biblical related audio content comprises at least two items; wherein said Biblical related content comprises a text catalog of said at least two items; wherein said output interface comprising a display for displaying at least a portion of said text catalog of Biblical related audio content held in said non-sequential-access memory; wherein said input interface comprises a navigation device that allows a target user to peruse said catalog and select an item from said catalog for playing (Constitution, Paragraphs 26, 52 – 63, and Figure 3).

Park discloses the device having an input interface including an input port (download socket 15 with download jack 16, memory card 13 with memory card removable part 14, and also personal computer 36 connection shown by dotted lines in Figure 4) but does not disclose wherein a target user is not readily able to use the input port to download audio content into said memory and also does not disclose wherein said housing encloses less than about 25 cubic inches. MegaVoice discloses a similar line of "reliable, hand-held, solid-state audio players which Christian ministries and organizations can use to get their message to people in a secure and reliable manner," Christian Applications. MegaVoice goes on to teach that "Secure means the end user can't record over or replace your original message," Why should our ministry use MegaVoice technology rather than MP3 players?. Therefore, while the portable audio player of Park is capable of having different content loaded, it would have been obvious to one of ordinary skill in the art at the time of the invention, given the Christian applications of both Park's and MegaVoice's device, to modify the device of Park as disclosed by MegaVoice so that the device of Park acted as a secure device thereby

preventing a target user from altering the audio content and only allowing an authorized user to change the biblical message and prevent other unintended content from being loaded onto the device. MegaVoice also discloses that the portable audio device is designed to have a size of (64mm x 112mm x 17mm). Therefore, while Park does not disclose specifics as to size, it would have been obvious to one of ordinary skill in the art at the time of the invention to design the device of Park and MegaVoice as small as possible so thereby making it portable and "small enough to fit in your hand,"

MegaVoice, Ambassador.

Claim 22: Park and MegaVoice disclose the portable audio player, as claimed in claim 21, wherein: said Biblical related content comprises Biblical related text content that is capable of being displayed on said display (letter information, Park, Constitution).

Claim 23: Park and MegaVoice disclose the portable audio player, as claimed in claim 22, wherein: said Biblical related text content is related to at least a portion of said Biblical related audio content (contents of the digital bible expressed as a letter information and/or a sound information," Park, Constitution and Paragraph 26).

Claim 25: Park and MegaVoice disclose the portable audio player, as claimed in claim 23, wherein: said Biblical related text content comprises text that corresponds to at least a portion of said Biblical audio content (contents of the digital bible expressed as a letter information and/or a sound information," Park, Constitution and Paragraph 26).

Claim 27: Park and MegaVoice disclose the portable audio player, as claimed in claim 22, wherein: said Biblical related text content comprises a library of scriptures with each scripture in said library of scriptures being capable of being individually displayed on said display (Park, Paragraphs 52 – 63).

Claim 28: Park and MegaVoice disclose the portable audio player, as claimed in claim 27, wherein: said controller is capable of causing each of said scriptures from said library of scriptures to be individually displayed on said display during a period of time (Park, Paragraphs 52 – 63).

7. Claims 3 – 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park and MegaVoice in view of Peinado (US 2003/0005246 A1), hereinafter Peinado.

Claim 3: Park and MegaVoice disclose the portable audio player, as claimed in claim 1, wherein: said input interface comprises a port for downloading audio content to said memory wherein the port is configured to deter a target user from downloading audio content to said memory, but Park and MegaVoice are silent to wherein said port comprises a lock and neither reference discloses in particular the specifics of how the device is secured from the end user and therefore one would be inclined to look elsewhere for such a teaching (Paragraph 6). Peinado discloses a system and method of protecting content stored on portable memory devices from unauthorized usage.

Peinado teaches that there are multiple techniques of locking a device from unauthorized use including using a memory of non-standard shape or size, a non-standard plug interface, or by using other non-standard or proprietary hardware features (Paragraph 7). Peinado also teaches that the lock can be implemented in a software manner by using a non-standard data representation scheme (Paragraph 9). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a lock as disclosed by Peinado in the device of Park and MegaVoice, to thereby protect the content stored on the portable audio device.

Claim 4: Park, MegaVoice, and Peinado disclose the portable audio player, as claimed in claim 3, wherein: said lock comprises a physical feature of said port that prevents a target user from using a port engagement device that is commercially available to the target user to establish a connection with said port (Peinado, Paragraph 7).

Claim 5: Park, MegaVoice, and Peinado disclose the portable audio player, as claimed in claim 3, wherein: said lock comprises an access code that, although a target user may be able to use a port engagement device that is commercially available to the target user to physically engage said port, prevents audio content from being transmitted from said port to said memory (cryptographic algorithm, Peinado, Paragraph 9).

Claim 6: Claim 6 is substantially similar in scope to claim 3 above and therefore is

rejected on the same grounds.

Claim 7: Claim 7 is substantially similar in scope to claim 4 above and therefore is rejected on the same grounds.

Claim 8: Claim 8 is substantially similar in scope to claim 5 above and therefore is rejected on the same grounds.

8. Claims 24, 26, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park and MegaVoice in view of Fish (US 2005/0283723 A1, as of the provisional application (60/581,883) filing date of June 22, 2004), hereinafter Fish.

Claim 24: Park and MegaVoice disclose the portable audio player, as claimed in claim 23, but do not specify wherein: said Biblical related text content comprises chapter and verse associated with at least a portion of said Biblical audio content. Fish discloses a similar electronic reference system containing biblical information and discloses that Biblical related text content comprising chapter and verse (Paragraph 40, Provisional Paragraph 21) associated with at least a portion of said Biblical related audio content (Paragraph 46, Provisional Paragraph 26). Since both the device of Park and MegaVoice and the device of Fish deal with presenting biblical information in audio and visual form, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the aforementioned ideas of Fish in the device of Park and

MegaVoice allowing for better navigation and presentation of the biblical content.

Claim 26: Park and MegaVoice disclose the portable audio player, as claimed in claims 23, but do not specifically disclose wherein: said controller is capable of causing said Biblical related text content to be displayed on said display during the playing of said at least a portion of said Biblical related audio content. Fish however address this issue in claim 24 above and therefore claim 23 is rejected on the same grounds.

Claim 29: Park and MegaVoice disclose the portable audio player, as claimed in claim 22, but do not disclose wherein: said Biblical related text content comprises a concordance for said Biblical related audio content. Fish discloses a similar electronic reference system containing biblical information and discloses that Biblical related text content comprising chapter and verse (Paragraph 40, Provisional Paragraph 21) associated with at least a portion of said Biblical related audio content (Paragraph 46, Provisional Paragraph 26). Fish further discloses that a particular word or phrase can be highlighted allowing for a cross-referencing module to automatically scan the available writings and create a concordance or display of those writings that refer to the highlighted word. Since both the device of Park and MegaVoice and the device of Fish deal with presenting biblical information in audio and visual form, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the aforementioned ideas of Fish in the device of Park and MegaVoice allowing for better navigation and presentation of the biblical content.

9. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Park and MegaVoice in view of Argade (US 5,983,284), hereinafter Argade.

Claim 30: Park and MegaVoice disclose the portable audio player, as claimed in claim 21, but do not disclose the device further comprising: audio instructions on the operation of the player; said audio instruction held in said non-sequential-access memory; and said controller is capable of causing said audio instructions to be played in response to an actuation of a portion of said input interface. Argade discloses a general purpose protocol that allows a user of a device to get instruction (e.g., audio instructions) for operating a particular device. The instructions are held in non-sequential memory (ROM) and a controller (CPU) is capable of playing back the audio instructions in response to an input interface (interface) (Column 2 Line 45 – Column 3 Line 15). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Park and MegaVoice, to provide audio instructions as disclosed by Argade, thereby allowing for easy operation of the device for all users (Argade, Background of the Invention).

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Saunders whose telephone number is (571)

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270-1063. The examiner can normally be reached on Monday - Thursday, 9:00 a.m. - 4:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JS
December 17, 2007



SINH TRAN
SUPERVISORY PATENT EXAMINER